

# SUPREME COURT OF THE UNITED STATES

WILLIAM BRACY v. ARIZONA

ON PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF ARIZONA

No. 85-5776. Decided January 27, 1986

The petition for a writ of certiorari is denied.

JUSTICE BRENNAN, dissenting.

Adhering to my view that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, *Gregg v. Georgia*, 428 U. S. 153, 227 (1976), I would grant certiorari and vacate the death sentence in this case.

JUSTICE MARSHALL, dissenting.

Petitioner William Bracy was convicted of two murders and sentenced to death. He claims that the state trial court improperly barred him from pursuing, in his cross-examination of a prosecution witness, the only line of questioning that could have revealed that witness's motivation to shade his testimony in favor of the prosecution. He argues that he was thus denied his Sixth Amendment right to confront the State's witnesses against him. *Davis v. Alaska*, 415 U. S. 308 (1974). I believe that petitioner's claim may be substantial, requiring that his conviction be vacated.

In the pending case of *Delaware v. Van Arsdall* (84-1279), cert. granted, — U. S. — (1985), this Court is to decide whether an absolute denial of cross-examination of a prosecution witness concerning potential bias can ever be harmless error. The Court denies certiorari in this case without even waiting to consider what light the *Van Arsdall* case will shed on the issues here. Because I consider such haste inappropriate, especially when a man's life is hanging in the balance, I dissent from the denial of certiorari.